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Amendment
Attorney Docket No. S63.2B-8618-US01

REMARKS

This Request for Reconsideration is in response to the Office Action dated March 18, 2005, wherein claims 1, 5 and 8-11 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. 6,231,598 to Berry et al (hereinafter: Berry).

The following comments are presented in the same order, and with paragraph headings and numbers that correspond to the Final Office Action.

Claim Rejections – 35 USC §102

1. In the Final Office Action claims 1, 5 and 8-11 were rejected under §102(e) as being anticipated by Berry. More specifically, it is asserted that FIGs. 1-3 of Berry disclose a stent having all of the limitations of instant claim 1. In response, Applicants respectfully assert that the Final Office Action is in error.

FIGs. 1-3 of Berry shows a single layer stent and the appearance of such a single layer stent in the unexpanded (FIG. 2) and expanded (FIG. 3) states. This is in contrast to the instant claims which describe a stent wherein in the reduced state the stent has first peaks which effectively overlap the second peaks, and in the expanded state the first and second peaks do not substantially overlap. Such a transition from an overlapped state to an effectively non-overlapping state is described in the claims by way of the recited change in distance from the longitudinal axis that the first and second peaks exhibit in the reduced state and expanded state, respectively. This relationship is illustrated in FIGs. 1-2 of the instant Application as originally filed wherein it is shown in FIG. 1 the first peaks(110a) are a greater distance from the longitudinal axis (102) than the second peaks (110b) when the stent is in the reduced state, but when the stent is in the expanded state, such as is shown in FIG. 2, the first and second peaks are substantially the same distance from the longitudinal axis (102).

This relationship is fully described in the instant claims and is not shown, describe, or otherwise taught by Berry.

Rather, than describing a stent having peaks which change their respective distances from the reduced state to the expanded state as the instant claims do, Berry provides FIG. 2 with a longitudinal axis (42) to illustrate that lengthening of the stent continues until the

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curvilinear struts 22, 23 are substantially aligned with the longitudinal axis 42 of the stent. Unlike the instant claims, FIGs. 1-3 of Berry do not show that the *distance* of some struts (or peaks) versus others relative to the longitudinal axis is any different in the reduced state or the expanded state.

Because Berry fails to describe all of the features of the instant claims the rejection is respectfully traversed.

Conclusion

In view of the foregoing, Applicants believe that the present application, with claims 1, 5 and 8-11, is in condition for allowance. Favorable consideration and prompt action to that effect are earnestly requested.

Should the Examiner believe that anything further would be desirable to put the application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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